IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4059 OF 20**07**

Turakhia Park Co.op Hsg. Society Ltd. & Ors. ..Petitioners.
Vs.
Chandrakant N. Modi ..Respondent.

Mr.Sandesh Deshpande alongwith Mrs. Sanika Deshpande i/b M/s.Haresh Mehta & Co. for the Petitioners.

None for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : JULY 4, 2007.

P.C.

1. Heard Mr.Deshpande the learned counsel for the petitioner/society. Respondent is a member of the society and original disputant. He had filed a dispute seeking injunction against the petitioners. His contention was that the society had illegally recovered an amount of Rs.40,000/- from him for using the flat as A.T.M. centre. He sought amendment to incorporate the prayer for the recovery of that amount. Amendment was allowed. The society preferred Revision Application No.1 of 2007, which also came to be dismissed. Therefore, the petitioner has filed this Writ Petition under Article 227 of the Constitution of India.

2. The learned Revisional Court noted that the disputant has previously made grievance about this

illegal recovery before the Deputy Registrar. Now he wants to incorporate the same prayer in the dispute itself. According to the Revisional Court, it will not cause any prejudice to the society. In view of the circumstances and the reasons given, I find no substance in this writ petition.

3. Writ Petition stands dismissed summarily.

[J.H.BHATIA, J.]